

### REMARKS

In the Office Action mailed December 31, 2009 from the United States Patent and Trademark Office, Claims 1-10 and 12-20 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-19 of U.S. Patent No. 6,804,787; Claims 1-13 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-12 of copending Application No. 11057097; Claims 15-20 were rejected under 35 U.S.C. 103 as being unpatentable over Bjorksten et al (US Patent Application Publication 2003/0097451) in view of Satyavolu et al (USPN 6517587 B2) and Raveis; Claims 1-6 and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Shelton (USPN 7,028,049) in view of Coleman (US Patent Application Publication 2004/0139025 A1) and Raveis, JR. (US Patent Application Publication 2001/0047282 A1); and Claims 7-10 and 12-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Shelton in view of Adams et al. (US Patent Application Publication 2002/0013519 A1) and Raveis, JR. Applicant therefore respectfully provides the following:

#### **Double Patenting Rejections:**

The rejected independent claims have been amended. Applicant respectfully submits that for at least by reason of the amendments, the independent claims are patentably distinct from the claims of U.S. Patent No. 6,804,787 and co-pending application number 11/057,097. Applicant further notes that the claims of the co-pending application have been amended in a response dated July 6, 2009, which further modifies the double patenting analysis between these applications and distances the instant application from the claims of the co-pending application. Applicant also respectfully incorporates by reference those arguments that were previously made

against the rejections. Applicant respectfully requests removal of all double patenting and provisional double patenting rejections for the reasons discussed above and previously submitted.

**Rejections under 35 U.S.C. § 103(a):**

In the Office Action, Claims 15-20 were rejected under 35 U.S.C. 103 as being unpatentable over Bjorksten in view of Satyavolu and Raveis; Claims 1-6 and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Shelton in view of Coleman and Raveis; and Claims 7-10 and 12-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Shelton in view of Adams et al. and Raveis, JR..

M.P.E.P. § 2141 sets forth the *Graham* factual enquiries that should be considered when making an obviousness rejection under Section 103: 1) ascertaining the scope and content of the prior art; 2) ascertaining the differences between the claimed invention and the prior art; and 3) resolving the level of ordinary skill in the pertinent art. (Citing *Graham v. John Deere*, 383 U.S. 1, 148 USPQ 459 (1966).) In addition, M.P.E.P. §§ 2141 and 2142 set forth that “the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit.” (Citing *KSR International Co. v. Teleflex Inc. (KSR)*, 550 U.S. \_\_\_, 82 USPQ2d 1385 (2007).)

Therefore, for a rejection under Section 103 to stand, it must explicitly set forth 1) factual findings showing that each claim element was known in the art at the time of the invention, and 2) factual findings showing that one of ordinary skill in the art, at the time of the invention, would have found it obvious to modify or combine the teachings to arrive at the claimed invention. (See, for example, the enumerated required articulations set forth in M.P.E.P. § 2143 for each lettered rationale.) Applicant respectfully submits that the references cited by the

Examiner, either alone or in combination, do not teach or suggest all the limitations claimed in the claim set provided herein.

Amended claim 1 recites a method for controlling a release of personal information comprising: depositing some personal information regarding an individual with a server; using web crawler programs to locate and retrieve publicly-available information regarding said individual from a plurality of Internet-accessible sources; presenting said information over a wide area computer network to said individual to review and verify said information's accuracy; accepting commentary on the accuracy of said some personal information based on review from said individual, wherein said commentary includes explanations of incorrect information on said server; obligating organizations that possess additional personal information regarding said individual to not disclose said additional personal information without authorization from said server; and instructing said server to not release said some personal information held on the server and to not authorize release of said additional personal information at the obligated organizations without receiving authorization from said individual. Each of independent claims 7 and 15 contain similar limitations. Therefore, Applicant respectfully submits that the differences between the cited references and the claimed invention show that the claimed invention is not made obvious by the cited references.

Bjorksten fails to teach presenting the sources of information to the user. Even though Bjorksten's Figure 2 shows information pertaining to various service profiles (Amazon, CitiBank, etc.), Bjorksten specifically teaches that the service profiles are either user created or are automatically created. (See para. 0034) As previously discussed, Bjorksten teaches the use of an automatic information collector for capturing personal information about a user. (Para. 0046). Bjorksten teaches how the automatic information collector gathers information about the

user at Figure 15 and paragraphs 0116-0118. This teaches that the automatic information collector monitors the user's interactions with websites and collects the information based on the user's requests and the user's responses to requests for information. (Para. 0117) Therefore, the automatic information collector of Bjorksten only gathers information from the user as the user interacts with websites, and does not present the sources of information to the user. Applicant notes that the Office Action cites to paragraphs 0097-0098, but those paragraphs only discuss presenting the source of a request for information to the user for authorization of disclosure, not presenting a source of information in the profile. Therefore, Applicant respectfully submits that the continued reliance on Bjorksten for such features is misplaced.

Second, Applicant continues to disagree with the assertion (see Office Action, page 4, first paragraph) that Bjorksten's teaching of accepting changes of profile information corresponds to the claimed limitation of "accepting commentary on the accuracy of said information." As discussed in the immediate prior response, one of skill in the art would immediately understand that merely permitting changes to information without providing some commentary or indication that changes had occurred would severely disadvantage users of the information, as the user could elect to fraudulently change his or her personal information to his or her benefit, such as to obtain better loan terms, health care coverage, etc. Applicant further notes that Bjorksten does not teach any annotation of records as alleged in the Office Action, but only discusses adding, changing, or deleting. (See paragraph 0040.) Bjorksten never discusses commentary on the accuracy of the information as is required by claim 15.

Third, Applicant submits that since Bjorksten fails to teach maintaining information regarding sources of the information or accepting commentary on the information's accuracy, Bjorksten cannot be said to teach presenting the sources of the information and any commentary

to other individuals. Therefore, Applicant continues to disagree with the position set forth in the second paragraph of page 4 of the Office Action.

Shelton discloses an internet based database search system for conducting searches of confidential records and for automating the process of obtaining approvals to make the records available. (Abstract) The system accesses a database containing medical data. (Col 4 lines 1-2) However, the database containing medical data is the only database of information disclosed in Shelton. Shelton therefore fails to teach the limitations of “obligating organizations that possess additional personal information regarding said individual to not disclose that additional personal information without authorization from said enterprise/server,” and “instructing said enterprise/server to not release said some personal information held on the enterprise/server and to not authorize release of said additional personal information at the obligated organizations without receiving authorization from said individual.” The organizations recited in column 9 lines 9-18, column 9 lines 57-63, and Figure 1 elements 10a-10c are all “users requiring access” to the confidential information (see Col 9 lines 12-13), and therefore cannot be said to be organizations possessing additional personal information as is required by claim 1. Since no such organizations are disclosed in Shelton, Shelton fails to teach the limitations recited in claim 1.

Coleman also fails to teach such limitations. Coleman teaches a system that provides privacy notices regarding an individual’s personal information to various third parties. (Abstract) However, the interaction with third parties is entirely limited to two basic interactions. First, sending notices to the third parties requesting that no disclosure occurs. (Para [0059]) Second, personal information may be sold or given to third parties with permission from the individual (Para [0044]), but such transactions are disclosed as occurring entirely from a

centralized information trust (Para [0079], see also “Data Flow” on Figures 7-9 from “Information Trust” labeled 300). Therefore, Coleman fails to teach the recited claim limitation regarding obligating, as Coleman merely teaches a notice instructing other organizations to not disclose any information in any form, and does not obligate organizations possessing additional personal information to not disclose the information without authorization from an enterprise/server. Coleman also fails to teach the claim limitation regarding instructing said enterprise/server, as Coleman only teaches a release of information from a single repository, and therefore does not teach instructing the enterprise/server to not authorize release of the additional personal information at the obligated organizations without receiving authorization from the individual.

With respect to the rejections of claims 15-20 which further rely on Satyavolu, Applicant respectfully submits that the Office Action has not shown that Satyavolu teaches automatically gathering information regarding an individual from a plurality of information sources not controlled by the individual. Instead, Satyavolu teaches a data gathering network configured to gather data as requested by “individual subscribers” work requests. (See Col. 3 lines 29-48.) The mere use of the word “individual” in Satyavolu does not show equivalence between the teachings of Satyavolu and the invention as claimed in the claims. For at least this additional reason, the rejections of claims 15-20 should be removed.

All rejected claims recite accepting commentary on the accuracy of information based on review from said individual, wherein the commentary includes explanations of incorrect information on said server. Raveis does not teach commentary including explanation of incorrect information in the database. The word “comment” in Raveis is not equivalent with the invention as claimed in the claims. Raveis teaches recording data in a real estate listing relating

to showings of real estate related to the listing, the data including “a comment by an agent,” “a comment by the contact,” or “Comments to Owner.” These references to comments do now show any commentary including explanations of incorrect information (in the database or listing). One of skill in the art would instead understand such comments to be comments about the real estate, the showing, etc., and not about incorrect information and/or changes.

Therefore, for at least the foregoing reasons, Applicant respectfully submits that Office Action has failed to show that the cited references teach all elements of the claim set contained herein and has further failed to show how one of skill in the art would have found it obvious to overcome the differences between the claimed invention and the cited art. Applicant therefore respectfully requests removal of all rejections under 35 U.S.C. § 103(a).

**CONCLUSION**

Applicant submits that the amendments made herein do not add new matter and that the claims are now in condition for allowance. Accordingly, Applicant requests favorable reconsideration. If the Examiner has any questions or concerns regarding this communication, the Examiner is invited to call the undersigned.

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Respectfully submitted,

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